

CONCLUSION

The scenario involved a possible domestic dispute incident between a Police Sergeant (Sergeant Adams) who reports to a Police Lieutenant (Lieutenant Jones) who reports to the candidate, and the Police Officer's girlfriend (Erica). The girlfriend inquired about a restraining order, then was reluctant to explain a black eye, but admitted that Adams had hit her the night before. Question 1 asked candidates for steps to be taken regarding an allegation of Domestic Violence against Adams. Question 2 indicated that Jones has since been distracted and has submitted reports with careless mistakes. This question asked for actions to address this situation.

After reviewing his test materials, the appellant disagreed with his score for the technical component. For this component, the appellant received a score of 3, and the assessor indicated that the appellant missed the opportunity to ascertain whether Erica needs medical assistance, and to complete a domestic violence offense report, which were responses to question 1. On appeal, regarding ascertaining if Erica needed medical assistance, the appellant states that he indicated that care and support for the victim was the top priority, and he offered her other services, and took other actions to mitigate the incident, which he lists in his appeal. He states that he would not actually treat the victim for injury but would delegate that responsibility. Regarding not completing a domestic violence offense report, the appellant argues that the New Jersey Attorney General's Policy for Handling Domestic Violence Incidents Involving Law Enforcement Officers, issued December 2009, does not indicate that a domestic violence offense report must be completed. Even so, he indicates that he would have delegated this action as he would be responsible for reviewing this report as the supervisor.

In reply, instructions to candidates included, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." This was read aloud to the appellant prior to the start of his examination. In response to question 1, the appellant stated, "As the officer in charge of my Department, I will set the top priorities for this incident. Number one is the care of our victim as she is a victim of domestic violence, and getting her the support that she needs." The appellant then said that the second priority was making sure that the incident was fully investigated. This response indicates that the appellant is making priorities. However, the scenario indicated that the appellant was in the parking lot with Erica and he had just seen her black eye. Indicating that her care and support was a priority is a theoretical point, and does not address the practical point of ascertaining whether or not she needs medical assistance.

The scenario indicated that the candidate was in direct contact with Erika in the parking lot and uncovered this situation himself. Nevertheless, the appellant

stated, "As the commander I am notified that one of our officers is alleged accused in domestic violence incident." The appellant made up his own set of facts which were not consistent with the material in the examination.

Question 1 indicated that the Chief is currently on vacation for several days and it asked for actions that the candidate should take it personally take, or ensure are being taken, from this point forward. As initial actions to this incident, the appellant stated, "Immediately, I will make notification to the Chief of Police, and the Mayor, and the Police Commissioner of this investigation." Although it is appropriate to notify the Chief, the appellant does so immediately although the Chief of Police is on vacation and not there to notify. The appellant then states that he will notify the Prosecutor's Office of an investigation regarding domestic violence and one of his Police Officers. At this point, the appellant has not provided any actions that he would take regarding Erica, and he has not yet started an investigation to notify anybody about. The appellant then states that he would notify Internal Affairs, and he assigned a lead investigator for the investigation. Without any further actions, he jumps to what the actions he would take could regarding the conclusion of the investigation. That is, if the incident didn't take place in his jurisdiction, he would notify the jurisdiction where the incident occurred.

After making these notifications, the appellant stated that he would immediately comfort the victim and offer the Department's full support. He then requested that Erika go into command headquarters where there was a safe place out of view of anyone, and then he ordered Lieutenant Jones to tell Sergeant Adams not to get into uniform, and to seize his weapons. He then ensured that the agency's Domestic Violence Crisis Response Team was immediately dispatched to headquarters to comfort and aide Erica, and explain her rights. He then listed those rights. At this point, the appellant has not ascertained whether Erica needs medical assistance. This was a formal examination setting, and credit is not given for information that is implied or assumed. If the appellant was delegating this task, he needed to state the task he was delegating and identify who he was delegating it to. He did not take this action as noted by the assessor.

As to completing a domestic violence offense report, the appellant states that he did not have to complete this report pursuant to the New Jersey Attorney General's Policy for Handling Domestic Violence Incidents Involving Law Enforcement Officers. Nevertheless, all actions that would be taken for any domestic violence incident would need to be done, plus the extra actions that are required due to the domestic violence being committed by a Police Officer. Neither the scenario nor questions state that candidates are to answer the question using only this policy. The Attorney General's Domestic Violence Procedures Manual should be followed for *every* domestic violence incident; therefore, it would be applicable for this scenario as well. The Domestic Violence Procedures Manual

contains the direction that a domestic violence offense report must be completed. In Section 3, the domestic violence offense report is referenced several times. Section 3.6.1 states that the agency shall insure that all domestic violence incidents are fully recorded and documented. Section 3.10.3 requires an inventory of seized weapons be attached to the domestic violence offense report. Section 3.10.4 states that the domestic violence offense report must be delivered to the County Prosecutor. Section 3.12.1 requires this report to be attached to all criminal complaints and to the TRO when forwarded to the court. The SMEs found that applicable actions included completing a domestic violence offense report, as well as other necessary reports. Based on the Attorney General's Domestic Violence Procedures Manual and the opinion of the SMEs, completing a domestic violence offense report is an appropriate action, and the appellant's arguments that he did not have to do so is unpersuasive.

Further, the candidate is the person to whom the victim reported the domestic violence, and therefore he should be the person to complete the report. Nonetheless, if he intended to delegate completion of the report to someone else, he needed to have stated this fact. The appellant argues that he would be responsible for reviewing the report, which would indicate he should be ensuring the action of completing the domestic violence offense report. However, he needed to state this action in his response in order to receive credit for it. In his presentation, he did not state that he would review the report or complete the report. Also, the appellant's response to question 2 was very minimal, and he missed many opportunities to take additional actions to enhance his score. The appellant's presentation has been reviewed in its entirety and his score of 3 for this component is correct.

A thorough review of appellant's submissions and the test materials indicates that the appellant's test score is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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